

United States Court of Appeals
For the Eighth Circuit

No. 14-1082

United States of America

Petitioner - Appellee

v.

Isaac Perry

Respondent - Appellant

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: August 29, 2014

Filed: September 16, 2014

[Unpublished]

Before MURPHY, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Isaac Perry, who is serving a life sentence imposed in 1993 in a North Carolina federal court, appeals from the order of the District Court¹ committing him to the

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Steven E. Rau, United States Magistrate Judge for the District of Minnesota.

custody of the Attorney General under 18 U.S.C. § 4245 for hospitalization and treatment of his mental disease or defect until he no longer needs treatment or his sentence expires, whichever occurs first. Perry is currently confined at the Federal Medical Center (FMC) in Rochester, Minnesota. Upon careful review, we conclude that the hearing testimony of two FMC professionals, along with exhibits, sufficiently establishes that Perry is suffering from a mental disease or defect, that he is in need of custody for care or treatment of that mental disease or defect, and that FMC Rochester is a suitable facility. See 18 U.S.C. § 4245(d) (explaining the necessary findings for hospitalization of a prisoner suffering from a mental disease or defect); United States v. Bean, 373 F.3d 877, 879 (8th Cir. 2004) (noting that § 4245(d) findings are reviewed for clear error).

Accordingly, we affirm. We also grant counsel's motion to withdraw, subject to counsel informing Perry about procedures for seeking rehearing or filing a petition for certiorari.
